

FILED

FEB 21 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

MICHAEL ANGELO MORALES,

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Case No. C 06 0219 (JF)

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C 06 926 (JF)

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Plaintiff,

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)

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v.

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) ORDER ON PLAINTIFF'S EX PARTE

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) APPLICATION AND MOTION FOR

)

) STAY

RODERICK Q. HICKMAN, Secretary of the
California Department of Corrections; STEVEN
ORNOSKI, Warden, San Quentin State Prison,
San Quentin, CA; and DOES 1-50,

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Defendants.

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The Court has considered Plaintiff's ex parte application for a compliance order and motion for stay. Based upon the express representation of Defendants' counsel that Defendants, the execution team and the participating anesthesiologists have been fully apprised of the requirements of this Court's orders of February 14 and February 16, 2006, as well as the subsequent order of the United States Court of Appeals for the Ninth Circuit affirming and construing those orders, and being satisfied on the basis of counsel's representations that Defendants, the execution team and the participating anesthesiologists are prepared to comply fully with the orders, Plaintiff's ex parte application and motion for stay are hereby DENIED.

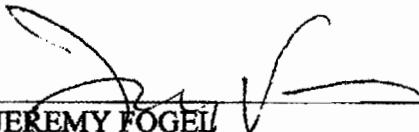
In particular, the Court finds that Defendants have taken appropriate steps to ensure that Plaintiff's state of consciousness will be closely and appropriately monitored at all times by the participating anesthesiologists. The Court is satisfied that Defendants' procedure for re-sedating

Plaintiff, should that become necessary, by means of a separate intravenous line dedicated solely for that purpose and staffed by a member of the execution team who upon a pre-arranged signal from the anesthesiologist in the execution chamber will immediately inject additional sodium thiopental in an amount necessary to return Plaintiff to deep unconsciousness, together with the anesthesiologists' express authority to interrupt the execution procedure temporarily if necessary, is sufficient to ensure that Plaintiff is and will remain unconscious at all times after the initial injection of sodium thiopental.

IT IS SO ORDERED.

Dated: _____

2/21/06



JEREMY FOGEL
United States District Judge